IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2920 OF 2006
IN
APPEAL (L) NO. 638 OF 2006
IN
COMPANY PETITION NO. 470 OF 2005
Connected with
COMPANY APPLICATION NO. 282 OF 2005

TATA MOTORS LTD. .. APPELLANT.

V/s.

Pharmaceutical Products of India Ltd.. .. Respondent.

Mr. Biren Saraf i/by M/s.Kartikeya & Associates for the Appellant.

Mr.Divesh Mehta i/by D.H.Law Associates for the Respondent.

CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATED : 22nd SEPTEMBER, 2006.

P.C.:

. The Appeal suffers from delay of five days. By this Notice of Motion the Appellant seeks condonation of delay. In the affidavit in support of the Notice of Motion, cause is explained thus :-

> "2. I say that upon the preparation of the above Memorandum of Appeal, the Appellants proceeded ahead to file the Appeal in this Hon'ble Court. However, the entire record of the court proceeding was voluminous and the same was not available with the Appellants as the Appellants were not served with the entire record by the Respondent Company. I say that in

> the proceedings before the Trial Court, the Respondent Company had served only a copy of the Company Petition and Company Application on the Appellants only after orders and directions to that effect were issued by the Learned Single Judge. As the entire set of record was not available with the Appellants, the Appellants were required to take inspection and obtain copies from the Court proceedings. The obtaining of the copies and compiling of the records, took some time and therefore their was a delay of 5 days in filing of the above Appeal in this Hon'ble Court."

2. We are satisfied that the aforesaid cause sets out sufficient cause within the meaning of Section 5 of the Limitation Act and delay of five days deserves to be condoned. We, accordingly, condone the delay.

3. Office is directed to process the Appeal and post it for admission as soon as numbered.

4. Notice of motion stands disposed of.

(R.M.LODHA,J)

(S.A.BOBDE,J)

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